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United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 30, 2023

MEMO ENDORSED
OK
Paller McMahon
1/31/2023

BY ECF

The Honorable Colleen McMahon
United States District Judge
500 Pearl Street
New York, NY 10007

Re: *Knight Institute v. Central Intelligence Agency, et al.*, 22 Civ. 1542 (CM)

Dear Judge McMahon:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. As required by the Court's December 8, 2022 order, ECF No. 42, we write to provide a status report on the agencies or components that have been engaged in search or processing since the last status report.

DOJ Criminal Division. Last week, CRM completed processing its first batch of at least 500 pages of records for responsiveness and exemptions. The parties have agreed to narrow the universe of records that must be processed going forward by (1) excluding draft documents, except for the last-in-time draft (for documents that have no final version); and (2) excluding certain non-substantive emails.

DOJ's Office of Information Policy. OIP has engaged in two supplemental searches in the case. The first yielded only duplicative material. The second search was very recently completed, and OIP has not yet had an opportunity to review the initial results for responsiveness. OIP is also waiting for the consultation process with other Executive Branch equity holders to conclude on the material it previously processed. OIP expects to be able to provide plaintiff with updates on these issues this week or next.

FBI. As noted in our last letter, the FBI anticipates releasing a small number of additional pages that have been or will be released in a separate, closely related case, *New York Times v. Department of Justice*, 22 Civ. 1539 (JSR) (S.D.N.Y.). The FBI will release these pages to plaintiff when it makes the release in the *New York Times* case. It may also make a small additional supplemental release of records that were deemed out of scope in the *New York Times* case but remain responsive to plaintiff's request. The FBI intends to make these productions this week.

Proposal. The parties propose that we provide the Court with a further status report by March 31, 2023.

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We thank the Court for its attention to this matter.

Respectfully submitted,

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